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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/775,043

02/07/2004

Tony M. Pearce

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8980

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04/28/2006

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EXAMINER

TENTONI, LEO B

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,043

Applicant(s)

PEARCE, TONY M.

Examiner

Leo B. Tentoni

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02072004;09162004</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1732

DETAILED ACTION

Claim Objections

1. Claims 1-30 are objected to because of the following informalities: There are numerous misspelled words in the claims (e.g., claim 1, line 10, "obtaining"; claim 4, line 1, "thermoplastic"; claim 16, line 4, "having"). Applicant is requested to check the claims and correct any misspelled words.

Appropriate correction is required.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 16-29 have been renumbered as claims 17-30 (note that applicant used the number "16" for two of the claims). Therefore, the total number of claims pending is thirty (i.e., claims 1-30).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 1732

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 12 and 27 (renumbered as claim 27; applicant uses number 26), "said distribution head" does not have clear and proper antecedent basis in the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahr et al (U.S. Patent 6,286,448 B1) in combination with Khan (U.S. Patent 6,280,178 B1).

Sahr et al (see the entire document, in particular, col. 4, lines 17-43; col. 5, lines 49-54) teaches a molding process including an open face (i.e., screed) mold having a structural shape in which molded material is formed to take on a desired

Art Unit: 1732

configuration, and injecting molding material into the open face mold to form a desired product. Sahr et al does not teach an injection head having a plurality of distribution channels, which is taught by Khan (see the entire document, in particular, col. 9, lines 6-43) and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Sahr et al in view of Khan principally in order to provide desired flow of thermoplastic material into a mold. Obtaining and attaching side rails would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Sahr et al in view of Khan principally in order to keep injected material in the mold to make a desired final product.

7. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (U.S. Patent Application Publication 2004/0155385 A1) in combination with Khan (U.S. Patent 6,280,178 B1).

Johnson et al (see the entire document, in particular, paragraphs [0021], [0024], [0031], [0034] and [0035]) teaches a molding process including an open face (i.e., screed) mold having a structural shape (i.e., honeycomb) in which molded material is formed to take on a desired configuration, and injecting molding material into the open face mold to form a

Art Unit: 1732

desired product. Johnson et al does not teach an injection head having a plurality of distribution channels, which is taught by Khan (see the entire document, in particular, col. 9, lines 6-43) and such would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Johnson et al in view of Khan principally in order to provide desired flow of thermoplastic material into a mold. Obtaining and attaching side rails would have been obvious to one of ordinary skill in the art at the time the invention was made in the process of Johnson et al in view of Khan principally in order to keep injected material in the mold to make a desired final product.

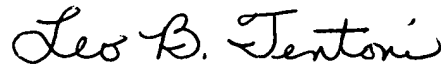
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leo B. Tentoni
Primary Examiner
Art Unit 1732

lbt